

In The Matter Of:
United States vs.
PFC Bradley E. Manning

Vol. 14
July 2, 2013
UNOFFICIAL DRAFT - 7/2/13 Afternoon Session

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VOLUME XIV
IN THE UNITED STATES ARMY
UNITED STATES
VS.
MANNING, Bradley E., PFC COURT-MARTIAL
U.S. Army, xxx-xx-9504
Headquarters and Headquarters Company,
U.S. Army Garrison,
Joint Base Myer-Henderson Hall,
Fort Myer, VA 22211

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The Hearing in the above-titled matter was
continued on Tuesday, July 2, 2013, at 4:04 p.m., at
Fort Meade, Maryland, before the Honorable Colonel
Denise Lind, Judge.

DISCLAIMER

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1 APPEARANCES :

2
3 ON BEHALF OF THE GOVERNMENT :

4 MAJOR ASHDEN FEIN

5 CAPTAIN JOSEPH MORROW

6 CAPTAIN ALEXANDER von ELTEN

7
8 ON BEHALF OF THE ACCUSED :

9 DAVID COOMBS

10 MAJOR THOMAS HURLEY

11 CAPTAIN JOSHUA TOOMAN

1 PROCEEDINGS,

2 (Video and audio feed start in middle of
3 sentence.)

4 MR. FEIN: -- post trial allied documents.

5 THE COURT: All right. Major Fein, have any
6 exhibits been introduced during the closed portion of the
7 session?

8 MR. FEIN: No, ma'am, not during this last
9 session. However, the parties have agreed upon an
10 unclassified summary of Mr. Lewis's testimony that can be
11 read on to the record.

12 THE COURT: Major Hurley, is that correct?

13 MR. HURLEY: Yes, ma'am, it is.

14 THE COURT: All right. Go ahead.

15 MR. FEIN: Ma'am, Mr. Lewis testified as a
16 counterintelligence expert regarding the value of U.S.
17 government information. Specifically Mr. Lewis opined on
18 the value of information contained within the CIDNE-I,
19 CIDNE-A Significant Activity databases, the value of
20 information contained within State Department NCD
21 database, the value of information contained within the

1 JTF Gitmo detainee assessment database, and the value of
2 information contained within the Global Address List.
3 Mr. Lewis was cross examined on his basis for knowledge
4 on valuing the information.

5 THE COURT: All right. Thank you.
6 Government ready to proceed?

7 MR. FEIN: Yes, ma'am.

8 Your Honor, the United States moves to admit
9 what has been marked as prosecution exhibit 46 for
10 identification as prosecution exhibit 46. This is a --
11 this prosecution exhibit for identification, ma'am, was
12 referenced in prosecution exhibit 181 Alpha which is a
13 stipulation of expected testimony for witness number 29.

14 THE COURT: Any objection?

15 MR. COOMBS: No objection, Your Honor.

16 THE COURT: All right. Prosecution exhibit
17 46 for identification is admitted.

18 MR. FEIN: I'm sorry, ma'am. I should have
19 mentioned this before, other housekeeping. The
20 transcription of Mr. Lewis's closed testimony pursuant to
21 appellate exhibit 550, the United States will start

1 transcribing it and will work through the procedures set
2 forth by the court in order to provide an unclassified
3 redacted copy as soon as possible.

4 As an update, on the previous closed session
5 for Agent Shaver, that copy has been reviewed by both
6 parties and the pre-authenticated version has been given
7 to the different equity holders, and the United States
8 anticipates that will be returned by Friday. And once it
9 is returned because we won't be in session on Friday it
10 will be posted to the Department of Army FOIA reading
11 room for the general public and media to access the
12 unclassified portions of that closed session.

13 THE COURT: All right.

14 Any other housekeeping matters we have to
15 address?

16 MR. FEIN: No, ma'am.

17 THE COURT: Is the government ready to
18 proceed?

19 MR. FEIN: Yes, ma'am, the government is
20 ready to proceed, and the government rests.

21 THE COURT: All right. Has the government

1 looked through the prosecution exhibit list?

2 All right. So all the exhibits you wanted to
3 admit are admitted?

4 MR. FEIN: Yes, ma'am. And just to avoid any
5 confusion, there are some exhibits that are,
6 unfortunately have been double marked, it's different
7 variations. We've already discussed this at times on the
8 record. And that was because it was marked one version
9 for opening statements, and then a different version was
10 actually admitted, but the government has reviewed the
11 prosecution exhibit list and the evidence offered has
12 been admitted that the United States intends to use.

13 THE COURT: Please, the parties and the court
14 reporter, let's get together and make sure that all of
15 the exhibits are accurately reflected in the record.

16 MR. FEIN: Yes, ma'am.

17 And just as a point of clarification, also,
18 ma'am, the United States has not presented nor does it
19 intend to present, since the government rested, the
20 evidence that was offered during the bill of particulars
21 of a classified enemy. That evidence was not presented

1 and the government will not be presenting it.

2 THE COURT: All right. So in that case then
3 the next phase of these proceedings will be the defense
4 case in accordance with the court calendar, and the
5 parties have arranged travel for the witnesses. We will
6 be in recess until Monday, the 8th, and the defense will
7 be starting its case at 0930.

8 If there will be any defense motions for a
9 finding of not guilty as to any of the offenses charged,
10 they will be filed in writing. I believe we've come up
11 with a tentative schedule, it will be by Thursday. The
12 government will then tell the court once they've reviewed
13 it, depending on how extensive it is, how long they will
14 want to require a response.

15 The parties talked in our RCM 802 conference
16 and I don't know at this point, depends on the motion
17 itself, whether I'll be able to rule on it before the 8th
18 or not. In the event I don't rule on it by the 8th, does
19 the defense have any objection to beginning their case?

20 MR. COOMBS: No, Your Honor.

21 THE COURT: So we'll start at 9:30 on the 8th

1 of July and proceed with the defense case. And is there
2 anything else we need to address before we recess the
3 court?

4 MR. FEIN: May I have a moment, Your Honor?

5 THE COURT: Yes.

6 MR. FEIN: No, ma'am.

7 MR. COOMBS: Nothing from the defense, ma'am.

8 THE COURT: Court is in recess until 0930 on
9 8th of July.

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